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Letter dated 28 September 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the tenth report of the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) and extended by resolution 1822 (2008).

The report was submitted to the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities on 31 July 2009, in accordance with Security Council resolution 1822 (2008), translated into all official languages of the United Nations and is currently being considered by the Committee.

I should be grateful if the attached report could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Thomas **Mayr-Harting**
Chairman
Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

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Letter dated 31 July 2009 from the Coordinator of the Analytical Support and Sanctions Monitoring Team addressed to the Chairman of the Security Council Committee established pursuant to Security Council resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

The Analytical Support and Sanctions Monitoring Team, established pursuant to Security Council resolution 1526 (2004) and extended by Security Council resolution 1822 (2008) concerning Al-Qaida and the Taliban and associated individuals and entities, has the honour to transmit herewith its tenth report, in accordance with resolution 1822 (2008).

(*Signed*) Richard **Barrett**
Coordinator

Tenth report of the Analytical Support and Sanctions Implementation Monitoring Team submitted pursuant to resolution 1822 (2008) concerning Al-Qaida and the Taliban and associated individuals and entities

Contents

		Page
	Summary	5
I.	Overview	7
	A. Al-Qaida	7
	B. Al-Qaida affiliates	7
	C. The Taliban	9
II.	Consolidated List	9
	A. Inadequate entries	10
	B. New listings	11
	C. De-listing	11
	D. Review of all listings	13
	E. Narrative summaries	14
	F. New format of the List	14
III.	Implementation of the sanctions	15
	A. Challenges to the sanctions regime	15
	B. Security Council resolution 1452 (2002)	21
	C. Measuring the impact of the sanctions	21
IV.	Assets freeze	21
	A. Payment of ransom to listed individuals or entities	22
	B. Efforts to control the nexus between drug trafficking and terrorist financing	22
	C. Alternative remittance systems	23
	D. Non-profit organizations	23
	E. Non-financial businesses and professions	24
	F. Strengthening cooperation with the private sector	24
V.	Travel ban	24
VI.	The arms embargo	26
	A. Implementation of the arms embargo	26
	B. Strengthening compliance with the arms embargo	27
	C. Scope of the arms embargo	28

VII. Activities of the Monitoring Team 28
A. Visits 28
B. International, regional and subregional organizations 28
C. Cooperation with the Counter-Terrorism Committee and the Committee established pursuant to resolution 1540 (2004) 29
D. Security Council-International Criminal Police Organization cooperation 29
VIII. Reporting by Member States 30
IX. Other issues 30
A. Committee website 30
B. Counter-Terrorism Implementation Task Force 31
Annexes
I. Litigation by or relating to individuals on the Consolidated List 32
II. Attacks by Al-Qaida and associated groups 35

Summary

This is the tenth report submitted by the Analytical Support and Sanctions Monitoring Team since it started its work in support of the Al-Qaida and Taliban Sanctions Committee in March 2004. During that period, both the threat from Al-Qaida, the Taliban and their associates and the Security Council sanctions regime directed against it have changed considerably.

Al-Qaida, even more than the Taliban, has had to adapt to relentless pressure from international, regional and national bodies in all parts of the world. Its leadership has found it increasingly difficult to manage and direct the movement and Al-Qaida has become weaker as a result. Although it remains a threat and can still work its way into the headlines, it no longer dominates the international political agenda. Increasingly, its future depends on what happens to the groups of fighters loosely known as the Taliban who have carved out space on either side of the Pakistan-Afghanistan border. The links between the leaders of the Taliban and Al-Qaida have survived for over 20 years, but their agendas do not coincide. The sanctions regime could become a more useful tool in splitting Al-Qaida from the Taliban and in promoting divisions within the Taliban through a more flexible use of its listing and de-listing procedures.

The Consolidated List of individuals and entities subject to the sanctions measures needs to be a credible expression of the main elements of the threat and allow accurate identification of listed persons. Otherwise, those applying the measures will only do so half-heartedly. With the help of many Member States, the List continues to improve, but it still contains vague or dated entries. The Monitoring Team recommends that the Committee develop minimum identifying standards for entries and ease its procedures for removing entries when there is sufficient evidence to consider them dead or defunct. A cleaner, leaner List, coupled with a new format designed to make it easier to use, will reinvigorate the sanctions regime and encourage its greater use.

The Security Council and the Committee have made considerable efforts to improve the fairness of the regime. Narrative summaries of the reasons for listing 293 of the 511 names on the List have gone to designating States for their comments and will soon be added to the 83 summaries already featured on the Committee website. The Committee has also made progress in its review of all the names on the List, as directed by the Security Council in its resolution 1822 (2008). However, criticism of the regime and legal challenges to its implementation persist and the Council and the Committee have further work to do before they can shift the focus back to the regime's primary role as a counter-terrorism tool. Such challenges have the potential to undermine the authority of the Security Council to impose sanctions. If States cannot implement decisions taken by the Council under Chapter VII of the Charter of the United Nations without contravening their own laws, the global community will lose the power to take coordinated action against threats to international peace and security.

Although there is no obvious or immediate solution to the problem faced by several Member States, particularly in the European Union, where there have been preliminary court rulings against their implementation of the sanctions, in its report the Monitoring Team argues that the Council and the Committee would be ill-advised to do nothing. The Council and the Committee should exercise their authority in this matter rather than cede it to others.

As an obvious first step, the Committee should remove entries from the List that are not backed by a solid case for designation and are thus more likely to attract adverse judgements in national or regional courts. In support of this, the Council should consider introducing a time limit for all listings to ensure that the Committee reviews the case for redesignation at regular intervals. The Monitoring Team also recommends that the Committee change its de-listing procedures to allow what would approximate to a review based on a written record. The Committee should also consider whether more fundamental reforms may be needed.

The sanctions measures themselves are effective but underutilized; the Monitoring Team proposes the development of better metrics for gauging their impact. The assets freeze is a key tool in limiting the ability of Al-Qaida, the Taliban and their associates to mount attacks, but they still manage to collect and spend large amounts of money. The report identifies the payment of ransom by States to listed groups as a particularly egregious example of terrorist financing and contains the recommendation that the Council ban the practice categorically. It is also proposed that more work be undertaken on understanding and undermining the nexus between drug trafficking and terrorism, and on the role played by alternative remittance systems and non-profit organizations.

The ability to cross international borders is essential for all listed groups and individuals, and the travel ban can make a real contribution to preventing this. There is scope here for greater cooperation with airlines, although the Team recognizes the challenges. Equally, listed groups need to be able to use force to support their objectives, and in the areas where they are most active, there appears to be no shortage of arms and explosives. There have been few listings of people who provide military equipment or training to listed groups and the Team recommends that the Committee take additional measures to clarify the scope of the arms embargo.

Engagement and dialogue between the Committee and Member States is essential to the success of the sanctions regime and to its further development. So too is cooperation between the United Nations and other international, regional and national bodies that contribute to the overall effort to counter terrorism, whether as a primary or secondary function. There has been much progress in both areas, and support for the sanctions regime and understanding of its objectives continue to grow.

Annex I to the report provides details of legal cases relevant to the implementation of the regime. Annex II provides some statistics on the attacks perpetrated by listed groups between 30 March and 31 July 2009.

I. Overview

A. Al-Qaida

1. Despite the limitations on its ability to raise money, travel and communicate, the Al-Qaida[1] leadership maintains its base in the Afghanistan-Pakistan border area and continues to provide inspiration to a wide range of supporters elsewhere.

2. In paragraph 4 of its last report (S/2009/245), the Monitoring Team wrote that "there is no other area of the world where the success of counter-terrorism measures will mean more, and their failure have greater consequences, than in South Asia". This remains the case and it is not only the Team that thinks so. Both Usama bin Laden, in June 2009,[2] and his deputy, Aiman al-Zawahiri (QI.A.6.01), in July 2009,[3] have issued statements calling on all Muslims to support the violent extremists opposed to the Governments of Afghanistan and Pakistan, placing particular emphasis on the situation in Pakistan.[4] To quote from Al-Zawahiri's appeal: "we are being targeted by a new Crusade, being waged against Muslims from Algeria to East Turkistan and from Somalia to Chechnya. And Pakistan without a doubt is at the heart of that campaign".

3. The anxiety expressed by the Al-Qaida leadership is no doubt a reaction to the shift of military emphasis by the United States of America from Iraq to Afghanistan and the current campaign against the Taliban on the Pakistan side of the border. Foreigners are still joining Al-Qaida and the Taliban, but their numbers are not great[5] and elsewhere support for Al-Qaida is also on the decline. A survey conducted between 28 July and 6 September 2008 in Egypt, Indonesia and Pakistan and published in February 2009[6] found a growing gap between those who supported some of the basic objectives of Al-Qaida, such as to unify all Islamic countries into a single Islamic state or caliphate,[7] and those who supported its tactics.[8] Since the change of administration in the United States, this gap may well have expanded further.

B. Al-Qaida affiliates

4. In Algeria, the Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01) continues to pose an active and dangerous threat, not just to Algeria but also to the

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[1] Mention of a listed or previously listed individual or entity includes the relevant permanent reference number on the List. Other names mentioned are not listed. As Al-Qaida, Usama bin Laden and the Taliban are named in the Security Council resolutions, they are mentioned without reference.

[2] Broadcast on Al-Jazeera television on 3 June 2009.

[3] "My Muslim brothers and sisters in Pakistan", As-Sahab media, 14 July 2009.

[4] Bin Laden said: "their war against our Ummah has shifted to Pakistan and Afghanistan. So the arrow of jihad has to be in this area in terms of your charity and your support, proportionately with the enormity of the danger of the Crusades against it".

[5] Intelligence briefings of the Team. On 26 June 2009, As-Sahab, the media arm of Al-Qaida, listed 13 foreign fighters killed in Afghanistan over recent months, from Central Asia, Egypt, Kuwait, the Libyan Arab Jamahiriya, Morocco, the Russian Federation, Saudi Arabia, the Sudan and Yemen.

[6] See www.worldpublicopinion.org/pipa/pdf/feb09/STARTII_Feb09_rpt.pdf.

[7] Egypt 70 per cent, Indonesia 35 per cent, Pakistan 69 per cent.

[8] Egypt 21 per cent, Indonesia 9 per cent, Pakistan 16 per cent.

countries of the Sahel, in particular Mauritania and, more recently, Mali. An agreement in July 2009 between Algeria, the Libyan Arab Jamahiriya, Mali, Mauritania and Niger to work together against Al-Qaida,[9] if effective, may mark the end of the ability of the Al-Qaida in the Islamic Maghreb to move freely, raise money, recruit and buy arms in the ungoverned areas of the southern Sahara. This, in turn, could reduce the threat from the Al-Qaida in the Islamic Maghreb units in the north of Algeria that rely on their associates in the south for support. However, the payment of large ransoms to the Al-Qaida in the Islamic Maghreb in 2009 for the release of foreign hostages will allow it to continue to mount attacks in the near term,[10] and will encourage further kidnappings of Westerners both for ransom and for propaganda purposes.[11]

5. In the Arabian Peninsula, Al-Qaida has shown its viability with attacks in Yemen and the emergence of a slick public relations effort, but the authorities there have made arrests. Further arrests in Saudi Arabia continue to suggest that the intelligence coverage of Al-Qaida in the Arabian Peninsula limits its scope to mount a sustained campaign. However, the Saudi Arabian authorities have warned many times that the threat from terrorism will not end quickly and, as long as the political situation in Yemen remains volatile, Al-Qaida will exploit the unrest and the country's lack of capacity.

6. Near simultaneous attacks on the JW Marriott and Ritz Carlton hotels in Jakarta on 17 July 2009 raised fears that violent extremists might have recovered some capability in South-East Asia after a long period of success for the authorities.[12] However, it is unlikely that those attacks will mark the beginning of a new campaign, especially if the authorities are able to arrest Noordin Mohammad Top (QI.M.118.03), who heads a splinter group of Jemaah Islamiyah (QE.J.92.02) and is thought to have been responsible for the attacks.[13] Groups in the Philippines continue to cause problems, but in limited areas, and the Abu Sayyaf Group (QE.A.1.01), which is responsible for much of the violence, has become as much a criminal gang as a terrorist group and is under sustained pressure.

7. In Somalia, Al-Shabaab continues to voice its support for Al-Qaida objectives and has received much encouragement from the Al-Qaida leadership and its affiliates in Algeria and Yemen.[14] It has made some recruits from among the Somali diaspora, as well as recruiting a few dozen nationals from elsewhere in Africa, the Middle East and South Asia.[15] However, no Member State has proposed the listing of Al-Shabaab as an associate of Al-Qaida and it remains to be seen whether it can match its ability to dominate areas of southern Somalia and threaten Somalia's neighbours[16] with an ability to govern and to operate beyond its immediate areas of influence.

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[9] Announced by President Amadou Toumani Toure of Mali on 20 July 2009.

[10] The payment of ransoms was detailed to the Team by Governments in the area.

[11] The murder of United States citizen Christopher Leggett in Mauritania on 23 June 2009 may well have been a kidnapping attempt.

[12] The last significant attacks in Indonesia were in Bali in 2005. Terrorists came close to bombing a café in Bukittinggi in December 2007, but aborted the attack.

[13] A claim of responsibility in Top's name appeared on the Internet on 29 July 2009.

[14] For example, the Mustafa Abu al-Yazid (Sheikh Saeed) interview with Al-Jazeera, 21 June 2009 and the Usama bin Laden audio recording "Fight on, champions of Somalia", 19 March 2009.

[15] Information provided by United Nations officials in the area.

[16] Al-Shabaab has threatened to carry out operations in Ethiopia and Kenya.

C. The Taliban

8. In Afghanistan, the Government, its international partners and the Taliban all want a stable central government and the withdrawal of foreign troops, albeit on different terms. However, no end to the fighting is in sight, and it is taking an increasingly heavy toll of civilians.[17] In Pakistan, the military campaign to root out uncontrolled militant extremists from the west of the country is also costing lives. In neither country does the Taliban enjoy popular support,[18] nor is it a monolithic structure. It is shared interests rather than ideology that keep its constituent parts together, and one of the most powerful joint objectives is to counter the threat posed by foreign and national forces to the political and financial interests of tribal and other leaders in the area. There are well-established traditions of conflict resolution in the region, involving discussion and negotiation, but it will require the authorities in Pakistan to establish the right balance between the three elements of their policy of development, deterrence and dialogue before the insurgency in the area quietens down.

9. The main objective of the international community in Afghanistan is to neutralize Al-Qaida, not to destroy the Taliban, and although Al-Qaida has established deep roots in the area over the past 20 years, its influence is only one factor that the local tribespeople will take into account when weighing their options. The Taliban does not have global ambitions and there is scope for reconciliation between some Taliban commanders and the central authorities. The Taliban leadership is aware of this potential weakness, but its efforts to assert its authority by replacing local commanders and controlling financial flows can only be successful up to a point; it must also ensure that its supporters see a greater advantage in staying loyal than in negotiating with the Government. At present, the risk of defections is low, as central government is weak, but the situation may change if the Afghan authorities are able to build capacity and repair their reputation for corruption and powerlessness. The sanctions regime can help to divide the Taliban and isolate irreconcilable elements if it is used as a political tool in conjunction with determined national efforts to address the needs of the people.

II. Consolidated List

10. The Consolidated List[19] of individuals and entities associated with the Taliban and Al-Qaida is the cornerstone of the sanctions regime. It rightly attracts scrutiny for its accuracy, credibility and relevance to the threat. However, although the Security Council Committee established pursuant to resolution 1267 (1999) to oversee the Al-Qaida/Taliban sanctions regime (hereinafter referred to as "the Committee"), helped by Member States and the Team, continues to improve the

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[17] See http://unama.unmissions.org/LinkClick.aspx?fileticket=A4j0gxPUrck%3d&tabid=1741&mid=1882.

[18] Afghan officials and foreign observers estimate that around 6 per cent of the national electorate support the Taliban. A poll in Pakistan in May 2009 found that 81 per cent of Pakistanis believed that the activities of the Taliban and other extremists were a critical threat to the country. See www.worldpublicopinion.org/pipa/articles/brasiapacificra/619.php?nid=&id=&pnt=619&lb=bras.

[19] The Consolidated List established pursuant to resolutions 1267 (1999) and 1333 (2000), and maintained by the Committee, with respect to Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them. Available at www.un.org/sc/committees/1267/consolist.shtml.

accuracy of the entries on the List, there has been less progress on improving its credibility and relevance.

11. As at 20 July 2009, there were 511 entries on the List: 142 individuals associated with the Taliban, and 258 individuals and 111 entities associated with Al-Qaida. Since the Team last reported, in February 2009, the Committee has added six individuals associated with Al-Qaida, has deleted two names and has merged two Al-Qaida entities into one entry. Over the same period, the Committee has approved 54 amendments to existing entries.

A. Inadequate entries

12. The Chairman of the Committee has drawn attention to the need to improve entries on the List that lack sufficient detail to allow positive identification or the publication of an International Criminal Police Organization (INTERPOL)-United Nations Security Council special notice,[20] most recently in a press conference held at the United Nations in New York on 14 July 2009.[21] He has emphasized the need to address this issue in the context of the review of all names on the List that the Committee must complete by 30 June 2010, as directed by the Security Council in paragraph 25 of resolution 1822 (2008).

13. The response from Member States to the review process has shown great commitment but has not resulted in the provision of as many additional identifying details as the Committee might have hoped. This may be because there are no additional details in official files or because States have been unable to devote resources to the search. Either way, the continued existence of inadequate entries on the List after prolonged efforts by the Committee to improve them suggests that the time has come to delete them. As the Team has pointed out before, inadequate entries serve no useful purpose: sanctions cannot properly be applied against them, unintended members of the public with similar names suffer real consequences, the private sector and officials at borders and elsewhere waste valuable time and effort trying to identify matches which can never be confirmed, and the sanctions regime as a whole loses support.

14. The Committee acknowledges the need for all List entries to have minimum identifying information and its listing procedures have developed to the point where a new listing with inadequate identifiers is virtually unthinkable. The Team recommends, therefore, that the Committee, with the help of the Team, develop minimum identifying standards and clear the List of entries that fall short, adapting the de-listing procedures set out in the guidelines of the Committee for the conduct of its work (hereinafter referred to as "the guidelines") accordingly.[22] It proposes that, following the completion of the review process, the Committee, with the help of the Team, compile an inventory of any inadequate entries that remain on the List and inform the States that proposed them for listing, as well as the States of citizenship and residence, that it intends to remove them after three months if by then they still lack sufficient detail to allow positive identification. For an

[20] At the end of July 2009, these were available for 340 of the 511 List entries. See www.interpol.int/public/NoticesUN/Default.asp.

[21] See www.un.org/News/briefings/docs/2009/090714_1267.doc.htm.

[22] Guidelines of the Committee for the conduct of its work (amended on 9 December 2008), section 7, available at www.un.org/sc/committees/1267/pdf/1267_guidelines.pdf.

individual, this should include a full name, a date and place of birth, and a nationality. For a legal entity, this should include full registered name, addresses of all offices and relevant branches and subsidiaries, and country of incorporation.

B. New listings

15. The Committee added six names to the List between the beginning of March 2009 and the end of July 2009. This compares with 32 for 2008 and 8 for 2007. The List is not meant to be exhaustive; it should be limited to those individuals and entities that pose a threat to international peace and security. This means removing the names of people whose influence has declined and adding those of new leaders and facilitators. The Team continues to recommend that the List be a dynamic and concise expression of the main elements of the leadership of Al-Qaida, the Taliban and their associates. It believes that, in the current context, an ideal List, that is, one that attracts the most international support and committed implementation of the sanctions measures, would comprise fewer than the current 511 names.

C. De-listing

16. The Committee removed two names from the List between the beginning of March 2009 and the end of July 2009. This compares with 4 removed throughout 2008 and 16 in 2007. The Team considers that the low number of de-listings and of de-listing requests, despite the widespread discussion of the issue, suggests that Member States do not keep relevant listings under regular review and do not see it as their role to request de-listings. Most States appear to do so only when instructed by a court or when petitioned by the listed party (or the heirs if the listed party is dead). States may also be discouraged by the apparent lack of success of de-listing petitions, which in turn may discourage them from proposing new names for listing. The Team recommends that the Committee itself take a more active role in seeking de-listings, especially in conjunction with its periodic review.

17. The purpose of the List is preventative, not punitive; the intention of the Committee is not to maintain listings as a way to punish past behaviour, but as a way to prevent future behaviour. Likely future behaviour can only be a matter of conjecture, but the State best placed to make such a judgement, and with the most information about the listed party, is likely to be the State that submitted the name for listing. The Team suggests that, where the State requesting a de-listing is also the original designating State, the Committee pay particular attention. In such cases, the Team recommends that any Committee member that opposes de-listing should set out the reasons as if submitting a statement of case for a new listing.

1. Deceased individuals

18. At the end of June 2009, the List contained the names of 27 individuals who were known or believed to be dead.[23] Although this has a negative effect on the credibility of the List, there are two main reasons why the Committee has not wished to remove those names automatically. First, it is often impossible to obtain

[23] Excluding individuals that the Team believes may be dead but are not recorded as such on the List.

categorical confirmation of the death, especially of those who have died in violent circumstances and, second, States are concerned that, if the assets freeze is lifted, funds may flow to other terrorist supporters. The Committee has offered guidance on these points by saying that an official statement of the death is enough and that States should advise whether or not any beneficiary of the dead person's estate also appears on the List when proposing the removal of the name.[24] Such procedures are designed to ensure that adequate checks are made before any assets are unfrozen.

19. Nonetheless, the Committee has received few de-listing requests for deceased individuals and needs to take more forceful action. The Team has already proposed that, if no State requests the removal of a name when a listed individual dies, Committee members should take the initiative. The Team now further recommends that, as soon as the Team or the Committee receives a report of the death of a listed person, the Team make every effort to establish the facts, in conjunction with the relevant States, and relay its findings to the Committee as soon as possible. The Team should also ascertain, so far as possible, whether any State has identified and frozen any assets belonging to the individual. If it appears that, in all likelihood, the individual is dead, the Committee should have procedures in place to allow immediate de-listing where no assets are identified and, where assets do exist, to initiate de-listing once it has ascertained the identity of the beneficiaries and ensured that such beneficiaries do not appear on the List. If the report of the death proves inaccurate, the Committee can decide to restore the name.

2. Entities

20. There are 111 entries on the List for entities, 68 of which first appeared in 2001. These entities fall into three broad categories: terrorist organizations and groups; international non-governmental organizations or charities and their offices; and commercial businesses. The Team believes that, even where an entity has no legal existence, such as Al-Qaida itself, and therefore is immune to sanctions, a listing has merit as a way of bringing attention to its activities and associations. Furthermore, the relationship between listed individuals and listed entities, when noted on the List, can help States to identify a network of listed parties. The Team recommends that States continue to consider the value of alerting the international community to an emerging Al-Qaida-related threat by proposing the listing of new groups that act in the name of Al-Qaida or with its support.

21. However, just as the Committee needs to remove deceased individuals from its List, it should also remove defunct entities. States have already informed the Committee that, as at the end of June 2009, seven listed entities had ceased to exist or were in the process of liquidation.[25] The Team recommends that the Committee seek a de-listing request from the relevant States in respect of those entities.

3. De-listed entries

22. In 2007, the Committee decided to abolish section E of the Consolidated List, which contained names that it had removed from the main List, and placed those

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[24] Guidelines of the Committee, sect. 7, para. f.

[25] Nada Management Organization SA (QE.N.58.01), Youssef M. Nada & Co. Gesellschaft M. B. H. (QE.Y.67.01), Al Furqan (QE.A.107.04), Al-Haramain & Al Masjed Al-Aqsa Charity Foundation (QE.A.109.04), Bosanska Idealna Futura (QE.B.95.02), Waldenberg AG (QE.W.65.01) and Taibah International-Bosnia Offices (QE.T.108.04).

names in a separate section of its website.[26] The Committee also decided that the Secretariat should continue to include those names when recirculating the List to Member States and others, as required under paragraph 19 of resolution 1526 (2004).

23. The record of de-listed names on the Committee's website, and its regular circulation, serve no obvious purpose and may create confusion. Further, any continued association with the List could have a negative effect on de-listed individuals and entities. The Team recommends, therefore, that the Committee remove the record of de-listed names from its website. Press releases of the Committee contain information about all changes to the List and remain publicly available, and the Secretariat can refer Member States or others to that source if asked for clarification or specific details, such as the date of a de-listing. The Team suggests that the Committee merely provide overall numbers of de-listings in the related section of its website.

D. Review of all listings

24. In accordance with paragraph 25 of resolution 1822 (2008), the Committee has begun its review of names listed before 30 June 2008. By 31 July 2009, as a result of the review, it had confirmed the listings of 30 names and removed the names of 2 individuals.[27] The review exercise, together with the drafting of narrative summaries of reasons for listing, has generated some new information regarding listed individuals and entities, but less than may be available. In order to increase the accuracy of the List and the impact of listing, the Team recommends that, in future, when contacting the State of residence in the context of the review, the Committee ask for all available information on the whereabouts of the party, its circumstances and activity, together with a note of any additional measures taken to prevent its support for terrorism. While recognizing the work required, the Team recommends that designating States and States of citizenship and residence regard the review as a unique opportunity to provide information on listed individuals and entities and to make a careful assessment of the appropriateness of their continued listing. An effective review is an invaluable way to make the List more accurate, both in the quality of its entries and as a reflection of the current threat.

25. The Committee has developed procedures for conducting its review,[28] but these may need further elaboration as experience grows. The Team recommends that the Committee pay particular attention to entries that have not been updated since 2006, mirroring the three-year period set for the subsequent periodic review of listings by paragraph 26 of resolution 1822 (2008). In such cases, the Team recommends that the Committee request the designating States and the States of citizenship and residence, if they believe the listing remains appropriate, to reaffirm the case by filling in a new cover sheet. Where entries lack the range of identifying information that might be expected for a new listing, the Committee should ask the relevant States to explain why they wish to maintain the listing even though effective implementation of the sanctions measures is unlikely or impossible.

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[26] See www.un.org/sc/committees/1267/docs/Delisted.pdf.

[27] Nabil Abdul Salam Sayadi (QI.S.84.03) and Patricia Rosa Vinck (QI.V.85.03).

[28] Guidelines of the Committee, sect. 9.

26. When the Committee reviews the entries for entities with a listed address, the Team recommends that it ascertain from the relevant State(s) whether the entity still functions, and, if not, whether it has any frozen assets. If neither applies, the State should explain, if relevant, its reasons for wishing to maintain the listing. If the entity still functions, the State(s) concerned should explain how this is possible and provide full details of functioning offices and their activity. Similarly, the State should mention any links with other entries on the List and provide the names of any successor organizations to the original listed entity in case they also merit listing. The Team can assist States in this process.

E. Narrative summaries

27. In accordance with paragraph 13 of Security Council resolution 1822 (2008), and in coordination with designating States, the Team has begun to draft narrative summaries of reasons for listing for all entries on the List. As at 31 July 2009, the Team had sent 293 draft narrative summaries to designating States and had subsequently submitted 127 of them to the Committee, of which 83 had appeared on its website.

28. In some cases, before approving a narrative summary, the Committee publishes a publicly releasable statement of the case prepared by the designating State. This may lead States and the public to assume that the Committee has endorsed the publicly releasable statement of the case, which may contain arguments for listing with which the Committee does not agree. The Team recommends that the Committee delay announcing a new listing until the narrative summary is ready for publication.

29. For some listed names, especially those dating from the initial mandate of the Committee, information immediately available for the purpose of drafting a narrative summary is limited. Under current procedures, only the designating State(s) and the Monitoring Team are involved in the drafting of narrative summaries. The Council may wish to encourage other Member States, especially States of citizenship and residence, as well as members of the Committee, to provide information to supplement what is available. The Committee could also do this when it writes to States of citizenship and residence in connection with its review of the listing, pursuant to paragraph 25 of resolution 1822 (2008).

30. The authorities of some Member States have expressed concern that the narrative summaries do not contain evidence of illegal activity that might be used in the defence of a listing before a national or regional court. While the Team agrees that the narrative summaries provide a useful indication of the past activities of listed persons, they are not designed to be used as evidence. However, in order to help States in this regard, the Team suggests that the Committee instruct it to act as an intermediary, when requested, between States that face legal challenges to their implementation of the sanctions and designating State(s) or other relevant States that may have information in support of the listing that could be presented in court.

F. New format of the List

31. As required under paragraph 14 of resolution 1822 (2008), the Team, on behalf of the Committee and in close cooperation with Member States, regional bodies and

the private sector, is designing a new cover sheet for listing submissions that will, among other things, place more emphasis on the structure of names. Furthermore, to support the new cover sheet and to take full advantage of the information submitted by designating States, and based on a recommendation contained in the Team's eighth report (S/2008/324, para. 36), the Committee has agreed to consider a new format for the Consolidated List.

32. The idea behind the new format is to make checking the List, whether manually or electronically, as straightforward and efficient as possible by reducing the likelihood of potential matches that require further detailed research to determine whether sanctions apply. It is also the intention that the new List format will set a model for other Security Council sanctions regimes to follow, thereby encouraging the combination of all lists into one, which the private financial sector has indicated would simplify implementation. Beyond that, by involving Member States and regional organizations in discussion of the new design, the Team hopes that they too will be able to adopt the same format for their lists.

33. The Team is working on the assumption that most front-line implementers will have access to an electronic version of the List. Its aim, therefore, is to present the List in an XML format that includes as much identifying and other relevant information as possible in an easily searchable, relational form, while continuing to rely on the INTERPOL-United Nations Security Council special notices and related databases to provide photographs and biometric detail.

III. Implementation of the sanctions

A. Challenges to the sanctions regime

34. The sanctions regime faces a number of challenges, from scepticism about the efficacy of its measure, to doubts about its relevance to the threat, and concerns as to its fairness and transparency. However, while the measures may have limited application in the Afghanistan-Pakistan border area or in the ungoverned areas of the southern Sahara, they nonetheless address three essential requirements of a terrorist group: money, movement and the means to attack. A fourth element, communications, remains difficult to sanction, both technically and politically. The Team continues to discuss with States the use of the Internet for terrorist purposes and it is co-chair of the working group on the subject within the United Nations Counter-Terrorism Implementation Task Force,[29] but agreement on the best way forward remains elusive.

35. The Team has often said that the relevance of the regime to the threat from Al-Qaida and the Taliban depends on the Consolidated List containing the right names and not containing the wrong ones. It continues to hold this view. As to the fairness and transparency of the regime, the perception remains in many States that it still lacks appropriate protection of individual rights, despite the publication of narrative summaries of reasons for listing and the Committee's review of the appropriateness of all listings. It is important to deal with the continued criticism of

[29] Details of the Working Group on Countering the Use of the Internet for Terrorist Purposes, and its report, are available at www.un.org/terrorism/workgroup6.shtml.

the fairness and transparency of the regime, so as to allow the Committee to turn its attention more fully to countering the threat from Al-Qaida and the Taliban.

1. Legal challenges[30]

36. Both Yasin Qadi (QI.Q.22.01) and Barakaat International Foundation (QE.B.39.01) have filed new claims against the implementation of sanctions against them by the Commission of the European Communities. They have questioned the substance of the narrative summaries of reasons for listing provided to them by the Commission, as well as the means by which the Commission reaffirmed the sanctions measures following the Court of Justice of the European Communities ruling in their favour of 3 September 2008.[31] When the process of judgement and appeal is completed, the resulting decision in these two cases has the potential to create significant difficulties for all member States of the European Union and may alter the terms of the wider discussion of the fairness of the regime and the need for reform.

37. Additional pressure may result from the 11 June 2009 decision by the Court of First Instance of the European Communities to annul the implementation of the assets freeze measure by the Commission with respect to Uthman Omar Mahmoud, also known as Abu Qatada (QI.M.31.01).[32] This development was largely expected, given the Qadi and Barakaat judgement of September 2008,[33] which the Court of First Instance cited as the basis for its decision. The Court of First Instance has also scheduled a hearing for 15 September 2009 in the cases of Abd Al-Rahman Al-Faqih (QI.A.212.06), Ghuma Abd'rabbah (QI.A.211.06), Tahir Nasuf (QI.N.215.06) and Sanabel Relief Agency Limited (QE.S.124.06).

38. The courts in the United Kingdom of Great Britain and Northern Ireland are also likely to put pressure on the regime. The 10 July 2009 decision by a lower court in the case of *Hay v H.M. Treasury*, for example, ruled that, with respect to the listed petitioner, the legislation whereby the United Kingdom implemented the sanctions regime was ultra vires and must be quashed. This ruling followed the court's assessment that a merits-based review, as required by the Court of Appeal in the matter of *A, K, M, Q and G v H.M. Treasury*, was precluded because the petitioner could not know the full basis for his listing.[34] Although this decision is currently under appeal, the matter may yet prompt further consideration by the Committee on how to react to a de-listing request resulting from a national court decision. The Government of the United Kingdom informed the court that it would submit a de-listing request on behalf of the petitioner, as the listing was "no longer appropriate".

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[30] A full list of pending cases relating to the sanctions regime is attached as annex I.

[31] Commission regulation (EC) No. 1190/2008 of 28 November 2008.

[32] Case T-318/01, *Othman v Council and Commission*. At the time of the drafting of the present report, a statutory post-judgment period for appeal had stalled the lifting of the sanctions measure.

[33] Judgment of the Court (Grand Chamber) of 3 September 2008 in joined cases C-402/05 P and C-415/05 P, *Yassin Abdullah Kadi, Al Barakaat International Foundation v Council of the European Union, Commission of the European Communities, United Kingdom of Great Britain and Northern Ireland*, available at http://curia.europa.eu.

[34] The United Kingdom had informed the court that although it was the State of residence it was not a designating State for this listing.

2. Proposals for reform

39. A group of "like-minded" States[35] has issued a working document urging that a panel review the decisions of the Committee, whether in a binding or non-binding way.[36] A report by the International Commission of Jurists issued in 2009 also supports the establishment of a review panel, although it goes further by endorsing "strict time-limits for listing decisions".[37] A report by the Fourth Freedom Forum and Kroc Institute also discusses the various reform currents.[38] However, despite the several groups advocating reform of the listing and de-listing procedures of the Committee, only a few core ideas have emerged: (a) a review panel; (b) an ombudsman; (c) time limits on listings; and (d) a regular review of listings by an existing body, such as the Monitoring Team or the focal point.

40. In its last report (S/2009/245, paras. 18, 23, 27-30, 35 and 37), the Team suggested that decisions by national and regional courts might pre-empt discussion of possible reforms and argued that the Committee should first focus on eliminating weak listings to reduce the likelihood of successful legal challenges. The Team continues to hold this view. Weak listings undermine the credibility of the sanctions regime, whether or not they are subject to legal challenge, and no amount of reform will guarantee a particular outcome in pending or future court cases. As for the debate on procedural change, the Team agrees that any reform should promote the more legal character of the regime that the Council has sought to create over recent years, for example by the addition of "associated with" criteria set out in resolution 1617 (2005) and the introduction of narrative summaries of reasons for listing and the review mechanisms of resolution 1822 (2008).

(a) Review panel

41. Of all the options for reform, none has gained as much support or generated so much opposition as the idea of a quasi-judicial review panel charged with reviewing de-listing requests. Most proposals for a panel assume a multiperson expert body with judicial qualifications. Its advocates argue that such an institution is needed to bring targeted sanctions regimes into line with principles of international law and that it could prevent current legal challenges from forcing the courts to adopt a national or regional standard that is too high for the Committee to meet.

42. With respect to the international law argument, in the Team's view, one reason to create a panel or other review mechanism is simply to get ahead of the law in this area, to establish it, rather than allow national and regional courts or Member State practice to do so. While several proponents of a review panel have argued that it is already required by international law, this view assumes that the protections required in a criminal law context and those required in the context of preventative

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[35] Belgium, Costa Rica, Denmark, Germany, Liechtenstein, the Netherlands, Sweden and Switzerland.

[36] The working document emerged after a seminar sponsored by the Government of the Netherlands on the theme "Effectiveness and legitimacy of United Nations targeted sanctions", held in The Hague in May 2009.

[37] International Commission of Jurists, "Assessing damage, urging action — Report of the Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights", p. 121.

[38] Report of the Fourth Freedom Forum and Kroc Institute for International Peace Studies at the University of Notre Dame, entitled "Overdue process: protecting human rights while sanctioning alleged terrorists".

measures under Chapter VII of the Charter of the United Nations are equivalent.[39] The Watson Institute's 2006 report acknowledges that the law is not clear in this area.[40] Given that the trend in judicial decisions suggests that the law may evolve towards the need for some form of independent review, the Committee might be well advised to establish the desired standard of review, rather than effectively cede this role to others.

43. Advocates of a review panel argue that its creation is the only way to avoid the European courts imposing a stringent standard for maintaining a listing that the Committee could not satisfy merely by providing narrative summaries of reasons for listing and through its existing review mechanisms.[41] However, it is not clear that any of the proposed reforms would satisfy the putative requirement for an independent and effective judicial review. Furthermore, the decision of the Court of Justice of the European Communities in the case of Qadi and Barakaat suggests that the Court is obligated to conduct its review as a matter of European law, not by the absence of another appropriate and adequate forum.

44. The creation of a panel would not solve all the regime's problems and is fraught with practical difficulties. The Committee or the Council might see itself bound by the advice of the panel, even while national and regional courts regarded it as insufficiently effective.[42] Moreover, the Security Council is unlikely to establish a panel in time to influence the current challenges in r l courts, leaving aside the inevitable judicial and public scrutiny and criticism of its composition, procedures and practices as soon as it was announced.

45. Another issue is how a panel might deal with relevant information that is subject to national security classification. The protection of confidential sources is especially important in counter-terrorism work, and effective listings are unlikely to rely on public information alone; but States will be reluctant to allow foreign nationals, however well qualified, access to their secret information, and they will be even more reluctant to allow them to examine the likely veracity of the sources. Finally, some have argued that a review body outside the Security Council, even if appointed by the Committee or by the Security Council itself, would erode the authority of the Council, even if the mandate of the review body were limited to targeted sanctions. The Team questions this analysis, as long as the panel were appointed or confirmed by the Security Council or the Committee. The authority of the Council will be far more fundamentally affected if States are unable to implement its decisions without violating their own laws.

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[39] See, for example, the report of the Fourth Freedom Forum, p. 2; and the report of the Special Rapporteur on the promotion of human rights and fundamental freedoms while countering terrorism (A/63/223), para. 16.

[40] Discussed in section II of the Watson Institute for International Studies at Brown University report entitled "Strengthening targeted sanctions through fair and clear procedures", available at http://watsoninstitute.org/pub/Strengthening_Targeted_Sanctions.pdf. It was circulated to the Security Council as document S/2006/331.

[41] The Team discussed this possibility in its ninth report (S/2009/245), para. 27.

[42] It is also unlikely that all regional and national courts would apply the same standards in related cases.

(b) Ombudsperson

46. The idea of creating an ombudsperson to review de-listing requests, as proposed by the Government of Denmark, became the subject of debate in 2006. The ombudsperson would be "an eminent person" who could "ensure a broad-based review of delisting requests", taking into account "all factors".[43] The ombudsperson concept has potential advantages over a review panel, as he or she might more easily have access to sensitive or classified information and could evaluate the entire case, including from a broader "good government" perspective, while a review panel would be confined to a review of the record. In addition, an ombudsperson might be able to interact with the Committee more readily than a panel and so wield more influence. However, without a great deal of transparency — which would undermine one of its main advantages — such a mechanism is unlikely to satisfy calls for an effective and independent judicial review.

(c) Review by an existing body

47. The idea that the Monitoring Team could expand its role to provide a review of listings has attracted limited support, although it was discussed in the 2006 Watson Institute report.[44] The Team in its current form could not easily provide an independent judicial-type review of a listing, and in doing so might suffer from at least the perception of a conflict of interest, especially if it seemed to stray from the advisory nature of its current role. Moreover, the Team's interactions with Member States and the Committee would change significantly if it were to become an arbiter of listing and de-listing decisions.

48. On the other hand, the Team is well placed to provide the Committee with an analysis of the information known about the listed entry, and the Committee has agreed that it should gather information from various sources concerning individuals and entities that seek de-listing. Moreover, the Team can provide an assessment of the strength and breadth of the information about a listed party and its relevance to the threat, but without making any judgement about the appropriateness of a listing.

49. A proposal by the "like-minded" States that the focal point engage more actively in a dialogue with the listed party and/or the concerned State(s) on substantive issues and provide advice on legal assistance, or possibly engage in some ombudsman-like functions,[45] would entail a substantial increase in its responsibilities. The focal point is an administrative contact point for all sanctions committees, with very specific procedures, and as part of the Department of Political Affairs of the United Nations Secretariat, has limited scope to provide an independent decision-making capacity.

3. Reinforcing existing procedures

50. One way to improve the credibility of the de-listing mechanisms of the Committee is to introduce additional transparency and procedural protections. This might encourage listed parties to approach the Committee rather than take their cases to national or regional courts.

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[43] The Watson Institute report, p. 45.

[44] Ibid., pp. 44-45.

[45] Non-paper of the working group of "like-minded" States on targeted sanctions, 26 May 2009.

51. In this regard, the Team recommends that for each de-listing request the Committee conduct a methodical review based largely on a written record. In the case of a request submitted through the focal point, the focal point would collect all incoming materials, including the petition, the statement of case, views of Member States and any existing narrative summary for review by the Committee.[46] The Committee would then decide whether to task the Team to submit a report setting forth: (a) all relevant information regarding the applicant, including that contained in the narrative summary; (b) any points of fact in contention between the petition and other information available; (c) its assessment of the information in dispute; (d) its assessment of the weight of information available regarding the listing; (e) the relevance of the listed individual or entity to the ongoing threat from Al-Qaida and the Taliban; and (f) details of any national or regional court challenge filed by the applicant. The Committee would then consider the de-listing request based upon this material, as well as information available to its members. A specific response would be provided to the petitioner if the decision resulted in continued listing. In the interest of transparency, the Committee might also publish a summary of its deliberations on its website.

52. The Team recommends that any external review (such as by a panel or an ombudsperson) be carried out solely as an appellate matter. All the serious reform proposals of which the Team is aware leave the authority and responsibility for listing or de-listing with the Committee. The Committee's procedures should therefore encourage the considered exercise of that authority before resort is made to outside assistance.

4. Time limitations and the issue of consensus decision-making

53. A frequent proposal is that listings should expire after a set period, possibly at the time of the annual review set by the Council in paragraph 26 of resolution 1822 (2008). Time limitations on individual listings would help to eliminate any inertia factor in maintaining a listing by changing the need for a consensus to remove the listing into a consensus to maintain it. It is also likely that the Committee would take greater account of the views of States of residence and citizenship, and designating States if the debate were essentially about re-listing rather than de-listing. One disadvantage of time limitations on listings is that they might discourage the Committee from taking responsibility for listings in the period between reviews; another is that the Committee might spend additional time and effort on renewing listings that are uncontroversial. However, the Team believes that it is possible to find ways to overcome these objections and recommends that the Council give serious consideration to the idea of time-limited listings, perhaps linked to a longer interval between reviews.

54. The "like-minded" States have proposed that the Committee change its decision-making procedure to allow a majority vote, instead of acting by consensus, when considering the removal of an entry from the List after a review period, which they suggest be reduced to two years. The Team believes that a great strength of the Committee is that it works by consensus and that recourse to the voting procedures of the Security Council at the level of the Committee would undermine an important

[46] The Team recommends that the level of review available to listed persons and entities be equal, whether brought to the Committee by a State or through the focal point.

working practice. Even now, the Committee has the option to refer any decision to the Security Council and, therefore, to its voting procedures.

B. Security Council resolution 1452 (2002)

55. Since the Team's last report, few Member States have applied to the Committee for exemptions to the assets freeze under resolution 1452 (2002). Nonetheless, listed parties with identified addresses continue to operate, which suggests a measure of non-compliance with the sanctions regime. The Team is confident that States where listed individuals are resident or listed entities are based have every intention of applying the sanctions measures. However, in doing so, they appear to use their discretion when it comes to allowing basic expenses.

56. The Committee and the Council have a choice between allowing these breaches of a mandatory resolution to continue, confronting the States concerned or adopting a successor resolution to 1452 (2002) that allows States to decide what constitutes a basic expense by national standards, as long as they keep the Committee informed. The Team continues to recommend that the Council take the latter course, to prevent the erosion of its authority with respect to the sanctions regime as a whole. The Team also recommends that the Council allow listed individuals and entities to apply for exemptions from the measures through the focal point, as in the case of de-listing.

C. Measuring the impact of the sanctions

57. It is difficult to measure the impact of the sanctions, despite the great efforts of the Committee and Member States to ensure their implementation. This is inevitable for preventative measures of any kind and the Team does not believe that statistics, such as the cumulative value of assets frozen, the number of individuals stopped at borders, or the amount of arms deliveries interdicted, provide an accurate indication of the results of the sanctions regime. Nonetheless, it would help the Council and the Committee to fine-tune the measures, and to consider new ones, if they had an analytical study of the assessment of Member States and others of the cost-benefit ratio of implementation. The Team intends to discuss with Member States and others how best to measure the impact of the sanctions regime, and to prepare a study for the Committee based on its findings.

IV. Assets freeze

58. Faced with a worldwide financial crisis and the need for liquidity, regulatory authorities and private-sector financial institutions may become less rigorous in their application of and compliance with measures designed to counter the financing of terrorism. This would be a mistake. Terrorist and insurgent campaigns require financing and listed groups associated with the Taliban and Al-Qaida have made several appeals for money in the first half of 2009.[47] This suggests that international

[47] For example, the Al-Qaida leader Mustafa Abu al-Yazid, also known as Sheikh Saeed, said in a statement released on extremist forums on 10 June 2009, "Many of the mujahideen are sitting and not doing jihad because of a shortage of money".

measures to restrict terrorist financing have had some effect[48] and, as any major terrorist attack would inevitably plunge a vulnerable economy into further decline, the Team urges regulators and financial institutions to maintain their vigilance.

59. In an effort to help financial institutions and others to understand the range of methods used by listed individuals and entities to raise and move money, the Team, as part of the Counter-Terrorism Implementation Task Force, has commissioned a study of terrorist-financing indicators based on the activities of individuals who have been charged with and convicted of terrorist acts. It proposes to make the study widely available through financial intelligence units and other State authorities. Currently, apart from the self-financing activities of local groups, the Team understands that Al-Qaida and the Taliban are receiving the bulk of their money from donations. The drug trade also provides the Taliban with income, perhaps amounting to a maximum of 30 per cent of the total.[49]

A. Payment of ransom to listed individuals or entities

60. Member States have expressed considerable concern about the payment of ransom to listed entities and the Team agrees that such payments not only encourage further hostage-taking, but inevitably result in further terrorist attacks, leading to the injury and death of civilians. The Team understands the pressure on States whose nationals are held captive by listed terrorists, but it sees no difference between ransom payments and any other form of financing of Al-Qaida, the Taliban and their associates. It recommends, therefore, that the Security Council unambiguously condemn the payment of ransom to listed entities, whether directly or indirectly. Such condemnation would be fully consistent with paragraph 2 of resolution 1373 (2001).

B. Efforts to control the nexus between drug trafficking and terrorist financing

61. In paragraph 13 of its resolution 1817 (2008), the Security Council encouraged Member States to submit to the Committee for inclusion on the Consolidated List the names of individuals and entities that use proceeds from the drug trade in Afghanistan to support Al-Qaida and the Taliban. The Shanghai Cooperation Organization has also recently called upon all States concerned to implement international strategies to combat narcotics in Afghanistan and the region.[50] The Team proposes to discuss with relevant international and regional organizations, and representatives from Afghanistan, the nexus between drug trafficking and the financing of Al-Qaida and the Taliban, and ways in which the sanctions regime might help to undermine it.

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[48] Several extremist websites have discussed the security implications of raising and moving money. One posting in April 2009 warned that intelligence agencies can identify "jihadists" by their using banks, services such as Western Union, and credit cards and, to a certain extent, online payment sites like PayPal.

[49] Briefings provided to the Team by Afghan and Pakistani authorities.

[50] See http://en.sco2009.ru/docs/documents/afghanistan_statement.html.

C. Alternative remittance systems

62. In its previous report (S/2009/245, para. 63), the Team recommended that more States follow the example of the United Arab Emirates by regulating hawala businesses and registering hawaladars. Among other States that have done so, Afghanistan now requires all money service businesses to apply for a licence and to report their transactions to a financial intelligence unit within the Central Bank. However, there are other States that continue to ignore informal remittance systems or attempt to ban them. Although the great majority of unregulated informal remittance businesses deal with funds that are legitimate, they can easily be abused for financing Al-Qaida and the Taliban. The Team intends to look into the risks more thoroughly, benefiting from work done by the World Bank on remittance corridors[51] and in the context of recommendation VI, on alternative remittance, of the Financial Action Task Force (FATF) Special Recommendations on Terrorist Financing.[52]

63. Alternative remittance systems will continue to grow and possibly remain underground unless Member States take a conscious decision to address issues related to access to banking and financial services by low-income groups that may not have the documentation required to open a formal account. There is a widespread need for tailor-made low-cost banking products that require simplified customer due diligence. However, one solution, the use of mobile banking as an alternative to traditional banking, has been received with mixed reactions. For the unbanked, this is a cheap and quick way to receive funds and conduct transactions, especially in remote areas, but it has left regulatory authorities uneasy because mobile banking allows no opportunity for proper controls. There is no teller who can verify the identity of the client face to face and the indirect due diligence procedures that do exist are vulnerable to abuse because of the levels of client anonymity and the lack of direct oversight.

64. The Team intends to look at the experiences of States, such as Kenya and the Philippines, that have introduced mobile banking, as well as at studies conducted by the World Bank, FATF, FATF-style regional bodies and other international organizations, as well as by the private sector, and to develop recommendations on the practical implementation of the assets freeze measure in all known forms of alternative remittance, including mobile banking.

D. Non-profit organizations

65. The Team also sees a need to examine further the practical difficulties experienced by Member States in implementing the assets freeze against listed charities where there is a public need for their services. Here too, work done by FATF-style regional bodies and Member States[53] in connection with FATF special recommendation VIII, on non-profit organizations, may help the Committee to identify standards that States could apply. These may relate to (a) private-sector

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[51] See World Bank Working Paper No. 163, *The Canada-Caribbean Remittance Corridor — Fostering Formal Remittances to Haiti and Jamaica through Effective Regulation*.

[52] See www.fatf-gafi.org/document/9/0,3343,en_32250379_32236920_34032073_1_1_1_1,00.html#VIAR.

[53] For example, in the United Kingdom, the Charities Commission for England and Wales. See also S/2004/679, para. 59; S/2005/83, para. 84; S/2005/572, para. 88; and S/2006/154, para. 81 and box 4.

outreach and guidance; (b) supervision of charities; (c) enforcement actions to ensure that charities are compliant with requirements to combat money-laundering and the financing of terrorism; and (d) international engagement.

E. Non-financial businesses and professions

66. The increased regulation of financial institutions may have led terrorist financiers to target non-financial businesses and professions as vehicles for moving funds without raising suspicion. The Team recognizes this risk but believes that there is a need for an assessment of both the likely use of non-financial businesses and professions by terrorist supporters and the likely impact of further regulation before the Security Council directs Member States to take specific action. It will examine the typology studies conducted by FATF, FATF-style regional bodies, the Egmont Group of financial intelligence units and other international organizations on the abuse of real estate, motor vehicle sales, precious stones and commodities, in order to identify trends and possible measures to address the threats in the context of Al-Qaida, the Taliban and their associates.

F. Strengthening cooperation with the private sector

67. The Team is already working with the private financial sector on the design of a new format for the Consolidated List. Partners include national bankers' associations, the Wolfsberg Group, the Society for Worldwide Interbank Financial Telecommunication and selected hawaladars. The Team believes that private-sector participation in the work of the Committee encourages understanding and effective implementation of the assets freeze measure and it intends to initiate contact along similar lines with the insurance industry, credit unions and non-bank financial companies.

V. Travel ban

68. All groups that appear on the Consolidated List as associated with Al-Qaida seek to operate across international borders, and the effective implementation of the travel ban measure can make a significant contribution to international and national counter-terrorism efforts. Listed individuals are particularly vulnerable at border crossing points where officials have the chance to scrutinize their documents and check them against their databases. The accuracy of the List is especially important in such circumstances.

69. The more time that national authorities have to perform such checks, the more likely they are to identify listed individuals, and in its seventh report (S/2007/677, para. 92), the Team noted the importance in this respect of the Advance Passenger Information System. As more and more States increase the sophistication and automation of their databases, which should include all details from the Consolidated List, the Team sees merit in allowing less well-resourced States to

access regional databases or those of other Member States[54] and to find additional ways to share information across borders.

70. According to International Civil Aviation Organization (ICAO) standards, from 1 April 2010, all States should issue national passports with machine-readable zones. Currently, around 90 per cent of ICAO Member States do so. Some States and regional organizations have also launched other initiatives related to border control, such as notification or authorization systems that require travellers to provide identification information in advance of their travel,[55] or have established new visa information systems,[56] or shared databases.[57] All these measures promote the effective implementation of the travel ban and have the potential to provide the Committee with additional information about listed individuals.

71. They can also help to alert States to exemptions to the travel ban. Following the adoption of new guidelines in 2008, the Committee has granted its first exemption to the travel ban. The Security Council, in resolution 1822 (2008), paragraph 1 (b), and the Committee in its guidance notes, have made clear that no exemption is necessary where a State decides to allow one of its nationals entry, or where entry or transit is necessary for the fulfilment of a judicial process. Nor need States inform the Committee in such cases. The Team notes, however, that the whereabouts of a listed individual is a key piece of information and it recommends that the Council ask States to inform them of any change of circumstances of any listed individual as soon as it is known.

72. When the nationality of a listed individual requires him or her to apply for a visa before entering another State, officials of the State concerned have the opportunity to check the name against the List before he or she travels. The Team has discussed the travel ban with the International Air Transport Association (IATA) and is aware of the challenges that will be entailed if airlines are called upon to check passengers against the List. Nonetheless, airlines face fines and other inconvenience when a passenger is refused entry at his or her destination and airline employees customarily check that travellers have a valid visa before issuing a boarding pass. However, IATA has not agreed to encourage airlines also to check passengers against the List, as the airlines do not see it as their responsibility to go further than checking that a passenger has a valid travel document.

73. While the Team understands this approach, it notes the critical importance of the private sector in the application of the assets freeze measure and believes that the travel ban would also benefit from this wider involvement beyond that of State officials. IATA guidelines for the removal of inadmissible passengers[58] make clear that the relevant airline would be responsible for the removal of a listed passenger who failed to gain entry into a State as a result of the travel ban. It would seem

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[54] For example, see www.eu2008.si/en/News_and_Documents/Press_Releases/February/0228JHA_MNZ.html for the Schengen Agreement (1985) and Convention (1990) Member States.

[55] See, for example, the United States Electronic System for Travel Authorization (ESTA) (https://www.estausa.org/) or the Australian Electronic Travel Authority (ETA) (www.eta.immi.gov.au).

[56] http://europe.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/114516_en.htm.

[57] See Commonwealth of Independent States single registration system, http://news-en.trend.az/politics/foreign/1445517.html.

[58] See www.icao.int/icao/en/atb/fal/fal12/documentation/fal12wp035App_en.pdf.

sensible to avoid the possibility of this happening. Furthermore, an understanding of the travel ban and a familiarity with the List would help airlines to route an inadmissible passenger to his State of nationality rather than find him or her refused again at another border, or to ask an appropriate State to seek a travel ban exemption on the individual's behalf.

74. The Team continues to recommend that, when a State turns a listed individual away from its border in compliance with the travel ban, it inform the Committee and provide details of the person's travel documents, his or her destination and any other additional information relevant to the person's List entry.[59]

VI. The arms embargo

A. Implementation of the arms embargo

75. The majority of States implement the arms embargo, to the best of their capacity, through the application of general arms control measures and they see no need for specific measures targeted against Al-Qaida, the Taliban and their associates. However, insofar as the aim of the arms embargo is to deny listed groups the ability to use force to support their objectives, a measure of its effectiveness is the degree to which such groups are constrained by a lack of equipment and training. So far, a lack of arms has not been a critical factor in the areas where listed groups are most active, yet there have been few listings of people who support terrorist activities by providing military equipment, training, or technical or other related assistance.

76. In Afghanistan, the Taliban appear to be well supplied; in armed confrontations they expend significantly larger amounts of ammunition than the opposing Afghan army or international forces.[60] Most small arms, light weapons and ammunition arrive from outside the country, while roadside bombs generally comprise improvised or industrial explosives illegally imported from Pakistan.[61] The frequency of attacks is on the rise, including by artillery rockets, and recruits are plentiful.[62] The arms embargo appears to have had little effect.

77. Pakistan continues to suffer a steady rise in violent incidents and listed groups have been responsible for many of them. The explosives used in these operations have been both improvised and manufactured. There have also been many attacks using artillery rockets,[63] which are reportedly of recent manufacture and originate from the region surrounding Afghanistan and from Eastern Europe.

78. Al-Qaida receives sanctuary and protection from the Taliban in the Afghanistan-Pakistan border area, where it provides the Taliban with expertise in

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[59] See S/2008/324, para. 70. The Team is thus far aware of one case of a listed individual being turned back from a border in 2009.

[60] Based on information provided by officials of Member States and international organizations.

[61] International forces have reported seizures of tons of explosives in single instances.

[62] According to international forces and Afghan officials, armed operations by anti-Government forces increased from 4,000 in 2007 to 5,000 in 2008 and continue on an upward trajectory in 2009.

[63] According to Pakistani officials, in 2008 there were more than 200 such rocket attacks in the country.

bomb-making and trains Taliban recruits. Other listed groups, such as Lashkar-e-Tayyiba (LeT) (QE.L.118.05), train and recruit their own operatives in areas under the control of the Pakistan Taliban. Both Al-Qaida and its associates also attract recruits from abroad and officials in the region have rightly stressed that the implementation of the arms embargo with regard to recruits is also the responsibility of States of origin and States of transit.

79. Elsewhere, the Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01) appears to be able to circumvent the arms embargo, especially in the southern Sahara where smuggling and other forms of armed criminality are rife. In Somalia too there is no shortage of arms and the absence of a sufficiently resourced central government makes the arms embargo largely ineffective.

B. Strengthening compliance with the arms embargo

80. In contrast to the wide availability of arms and explosives in areas of instability, States have had more success in denying listed groups access to advanced weapons, such as man-portable air defence systems or nuclear, biological and chemical weapons. Since 2003 there have been no reports of significant attacks employing these types of weapons,[64] despite Al-Qaida's stated intention to obtain them. This is at least partly the result of specific arms control measures undertaken by Member States.

81. While there is an inverse relationship between the technical sophistication of arms and their availability in illicit markets, the Team believes that the methods used to control man-portable air defence systems may usefully apply also to other weapons produced exclusively for military purposes, in particular anti-tank guided missiles, artillery rockets, mortars and rocket-propelled grenades. Generally, Al-Qaida and its associates have acquired weapons that have been taken from inadequately protected stockpiles of surplus and obsolete arms and it would seem an obvious precaution for States to destroy these weapons, starting with the most sophisticated. The Council could encourage States to take such action, as well as to enhance the security of their remaining stockpiles.[65] Another way to strengthen the arms embargo would be to enhance the control of transfers of such arms by reporting them to the United Nations Register of Conventional Arms.[66]

82. In the Afghanistan-Pakistan border area, implementation of the arms embargo is complicated by geographic, ethnic and cultural factors, though, despite their differences, Taliban groups in Afghanistan and Pakistan appear to render each other military and logistic support. There are currently no Taliban entities on the Consolidated List and the Committee has added only one new listing to the Taliban section of the List since 2001.[67] Given the increasing role of the Taliban in arming and training operatives for listed groups, the Team recommends that the Committee

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[64] The last significant attacks by such missiles were in Mombasa, Kenya, in 2002 and in Baghdad in 2003.

[65] S/2005/83, paras. 108-111 and 116; S/2006/154, para. 112; S/2006/750, para. 114; and S/2006/1047, para. 17. Report of the Secretary-General to the Security Council on small arms (S/2008/258), para. 20.

[66] The General Assembly has also invited Member States to do so. See General Assembly resolution 63/69, paras. 3 and 4.

[67] Sirajuddin Jallaloudine Haqqani (TI.H.144.07), listed on 13 September 2007.

consider listing more key individuals, especially the members of the three major Taliban shura councils in the Afghanistan-Pakistan border area.

C. Scope of the arms embargo

83. Despite the detailed explanation provided by the Committee on its website,[68] States still appear to have difficulty understanding that the arms embargo extends to the provision of manpower and training to listed individuals and entities, including through recruitment and indoctrination. The Team recommends that the Council consider making this explicit. States should also understand that they are required to prevent their nationals from joining or associating with listed individuals and entities to promote violence. The Team further recommends that the Council make explicit the fact that the arms embargo enjoins States to prevent their nationals from receiving training from listed individuals and entities.

84. Given the fact that, under Article 48 of the Charter of the United Nations, Member States are obliged to observe mandatory decisions of the Council, not only directly but also through their action in relevant international agencies of which they are members, the Committee has decided to consider proposals for high-level agreements with international organizations, such as ICAO, IATA and the World Customs Organization (WCO), regarding illicit arms trafficking by air.[69] The Council may now wish to request the Secretary-General to initiate such processes, as it did with regard to INTERPOL in its resolution 1699 (2006).

VII. Activities of the Monitoring Team

A. Visits

85. The Team visited 9 States between March and July 2009. One visit was made jointly with the Counter-Terrorism Committee Executive Directorate. Since March 2004, the Team has visited 85 Member States, some on an annual basis,[70] and both the Committee and the Team attach great importance to this direct engagement with national authorities.

B. International, regional and subregional organizations

86. The Team has also maintained its close cooperation with international and regional organizations by holding meetings with the African Union's African Centre for the Study and Research on Terrorism, the African Union, the Intergovernmental Authority on Development, the Caribbean Community, the European Union, the Council of Europe, the Organization of American States/Inter-American Committee Against Terrorism, the League of Arab States, FATF, the Egmont Group and

[68] See www.un.org/sc/committees/1267/index.shtml.

[69] The Committee also sees merit in encouraging States to use mechanisms developed by other relevant international organizations in areas related to the arms embargo, such as the INTERPOL Weapons and Explosives Tracking System (IWETS) (S/2008/16, paras. 25 and 26, as well as S/2008/408, para. 20).

[70] Such as Afghanistan and Pakistan.

INTERPOL. These contacts allow the Team to promote a better understanding of the sanctions regime and of the work of the Committee.

87. The Team's participation at the third Focal Points Meeting of the African Centre for the Study and Research on Terrorism in Algiers in June 2009 also allowed it to establish direct contact with several national focal points in African Union Member States. Through such contacts and with the assistance of the Centre, the Team gained a good understanding of regional vulnerabilities and assistance needs.

C. Cooperation with the Counter-Terrorism Committee and the Committee established pursuant to resolution 1540 (2004)

88. The three expert groups have increased their efforts to coordinate their participation in international and regional workshops and meetings. They attended two workshops organized by the United Nations Office on Drugs and Crime (UNODC) on the reporting obligations of Member States, which confirmed the value of their joint participation in such meetings to explain the different mandates and work of the three committees: the Al-Qaida and Taliban Sanctions Committee, the Counter-Terrorism Committee and the Committee established pursuant to resolution 1540 (2004). To date, the three expert groups have jointly participated in eight workshops[71] and the Team has made 13 joint country visits with the Counter-Terrorism Committee Executive Directorate. The Team continues to coordinate its travel plans with the Directorate and the 1540 group of experts and to exchange information with it prior to and after trips.

89. The Committee has agreed to the Team's proposal, drawn from suggestions by Member States, that the three committees develop a common strategy to address in a coordinated way the technical assistance needs of Member States in relation to the implementation of the relevant Security Council resolutions. The Committee has tasked the Team with discussing a common strategy along these lines with the other two expert groups, in conjunction with the Counter-Terrorism Implementation Task Force's Working Group on Integrated Assistance for Countering Terrorism.

D. Security Council-International Criminal Police Organization cooperation

90. As at 31 July 2009, INTERPOL had posted on its restricted website 333 notices relating to listed individuals, 315 of which are also available on its public website, and 36 notices relating to listed entities on its restricted website, of which 25 are on its public website. By the same date, the INTERPOL Stolen and Lost Travel Documents database contained details of more than 18 million travel documents, provided by 144 member countries, more than 10 million of which are lost or stolen passports. In the first half of 2009, INTERPOL member countries conducted approximately 146 million searches against the Stolen and Lost Travel Documents database, generating around 13,000 positive matches. The Team believes

[71] Five of these were UNODC reporting workshops, two were UNODC human rights workshops and one was a United Nations Office of Disarmament Affairs workshop on border control.

that INTERPOL databases continue to constitute a key tool in the implementation of the sanctions measures and in combating terrorism more broadly.

91. Between the beginning of March and the end of July 2009, the Team and INTERPOL, with the consent of the relevant INTERPOL national central bureaux, exchanged a large volume of information concerning listed individuals. This has led to an overall improvement in both the accuracy of the Consolidated List and in the value of the INTERPOL-United Nations Security Council special notices. Given the value of special notices to States, it is important to minimize the time lag between a decision being taken by the Committee to add a name to its List and the publication of the corresponding notice. To facilitate this process, INTERPOL has proposed that, when a new listing contains enough detail to create a new notice, it submit a draft for approval to the Committee secretariat. The Team recommends that the Committee agree to this procedure.

92. INTERPOL has continued to argue for a Committee enquiry point that could help its members when they need to take quick decisions based on the special notices, in cases where the identity of a listed person is not clear. The Committee has recognized practical difficulties with this idea and the Team is now examining a way in which designating States could agree in advance that their identity be released to INTERPOL in such circumstances, to allow a bilateral approach.

VIII. Reporting by Member States

Resolution 1455 (2003) reports and resolution 1617 (2005) checklists

93. The Committee has received the reports requested in resolution 1455 (2003) from all but 36 States.[72] The Team continues to work with the Counter-Terrorism Committee Executive Directorate and the 1540 Committee experts to assist the non-reporting States according to their regional or subregional groupings and it will also continue to explore other ways to help them, including by conducting national workshops on sanctions and establishing contact with national focal points. The Committee has received 61 checklists requested in resolution 1617 (2005). The Team recommends that the Committee aim to gather all the outstanding resolution 1455 (2003) reports and then consider the two reporting exercises complete.

IX. Other issues

A. Committee website

94. In previous reports the Team has pointed out the many improvements to the Committee website,[73] which now provides a wide range of documents designed to assist Member States. The Committee has decided to add to these a comprehensive information package on the sanctions regime, which the Team has already prepared. The package will be particularly useful for briefing and training purposes and the

[72] The 36 non-reporting States are from the following regions: Asia (7); Africa (21); and Latin America and the Caribbean (8). The list of reporting States is available at www.un.org/sc/committees/1267/memstatesreports.shtml.

[73] The Committee website is available at www.un.org/sc/committees/1267/index.shtml.

Committee has now authorized the Team to provide a version specifically tailored to INTERPOL training courses for police and border control officers.

B. Counter-Terrorism Implementation Task Force

95. The Team continues to be an active member of the United Nations Counter-Terrorism Implementation Task Force. Because Al-Qaida uses the Internet extensively to influence public opinion, communicate with its supporters, recruit and indoctrinate new militants, raise funds, provide training and plan attacks, the Team is co-chair of the Working Group on Countering the Use of the Internet for Terrorist Purposes.[74] It is also in charge of the Task Force documentary project[75] on countering the appeal of terrorism and is closely involved in the work of the Task Force on tackling the financing of terrorism.[76]

[74] See www.un.org/terrorism/workgroup6.shtml.

[75] See www.un.org/terrorism/documentaries-counter-terrorism.shtml.

[76] See www.un.org/terrorism/workgroup5.shtml.

Annex I

Litigation by or relating to individuals on the Consolidated List

1. The legal challenges involving individuals and entities on the Consolidated List known to the Monitoring Team to be pending or recently concluded are described below.[a]

European Union

2. Yasin Abdullah Ezzedine Qadi (QI.Q.22.01) and Barakaat International Foundation (QE.B.39.01) have filed challenges to their renewed listings in the Court of First Instance of the European Communities.[b] These new claims followed the enactment by the European Commission of a regulation providing for continued sanctions after the previous regulation was annulled with respect to the petitioners by the Court of Justice of the European Communities.[c]

3. Two cases remain pending before the Court of Justice. These appeals were brought by Shafiq ben Mohamed ben Mohamed al-Ayadi (QI.A.25.01)[d] and Faraj Faraj Hussein al-Sa'idi (QI.A.137.03).[e]

4. The Court of First Instance issued a decision in a case brought by Uthman Omar Mahmoud (QI.M.31.01), also known as Abu Qatada.[f] The decision annuls the Commission regulation implementing the assets freeze against Mahmoud pursuant to the ruling in the Qadi and Barakaat decision of the Court of Justice. The period in which to appeal the decision remains open as of the drafting of the present report.

5. The cases brought in 2006 by Abd al-Rahman al-Faqih (QI.A.212.06), Sanabel Relief Agency (QE.S.124.06), Ghuma Abd'Rabbah (QI.A.211.06) and Tahir Nasuf (QI.N.215.06) are scheduled in the Court of First Instance for 15 September 2009.[g]

European Court of Human Rights

6. The case brought by Youssef Mustapha Nada Ebada (QI.E.53.01) in the European Court of Human Rights remains pending. He claims violations, inter alia, of article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (pertaining to the right to a fair trial).

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[a] Several have been detailed in previous reports, most recently in the ninth report (S/2008/324), annex I.

[b] Information provided by European Union officials.

[c] Commission regulation (EC) No. 1190/2008 of 28 November 2008.

[d] Case T-253/02 and C-403/06 P, *Ayadi v Council*.

[e] Case T-49/04 and C-399/06, *Hassan v Council and Commission*.

[f] Case T-318/01, *Othman v Council and Commission*.

[g] Cases T-135/06, *Al-Faqih v Council*; T-136/06, *Sanabel Relief Agency Ltd v Council*; T-137/06, *Abdrabbah v Council*; T-138/06, *Nasuf v Council*.

United Kingdom of Great Britain and Northern Ireland

7. The High Court of England and Wales decided on 10 July 2009 in the case of *Hay v H.M. Treasury*,[h] which involved a challenge by an individual designated by a third State, resident in the United Kingdom, against the implementation of the Al-Qaida and Taliban sanctions measures by the United Kingdom. The Government had indicated to the petitioner that it would seek his de-listing with the Committee, although to date that request has not been decided upon. The Government is appealing the High Court's decision and has indicated to the Team that it hopes its appeal will be heard together with the A, K, M, Q and G case.[i]

8. Since the Team's last report (S/2009/245), "G", a listed individual subject to the Al-Qaida and Taliban sanctions, has been granted an appeal to the United Kingdom Supreme Court, the ultimate civil court. That case concerns the lawfulness of the United Kingdom implementing legislation for the sanctions regime. The appeal was taken from the judgement of the Court of Appeal (Civil Division) for England and Wales of 30 October 2008 in the matter of *A, K, M, Q and G v H.M. Treasury*.[j]

Pakistan

9. The action brought by the Al Rashid Trust (QE.A.5.01) remains pending in the Supreme Court of Pakistan on the Government's appeal from a 2003 adverse decision. The challenge brought by Al-Akhtar Trust International (QE.A.121.05) remains pending before a lower court.[k]

United States of America

10. The United States District Court for the District of Oregon issued an opinion in the challenge by the Al-Haramain Foundation (United States of America) (QE.A.117.04) to its designation in the United States. In an opinion and order issued on 6 November 2008, the district court upheld the designation of Al-Haramain Foundation as "rational and supported by the administrative record".[l] The Court left a number of related and subsidiary issues undecided and called for additional briefing on them. The supplemental briefing was completed as of 30 April 2009.

11. On 16 January 2009, Yasin Qadi (QI.Q.22.01) filed a lawsuit challenging his designation in the United States District Court for the District of Columbia.[m] The complaint alleges, among other things, that his designation and the freezing of his

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[h] Case No. CO/1200/2009.

[i] See section III.A, para. 38, above.

[j] Case No. T1/2008/1080, available at www.bailii.org/ew/cases/EWCA/Civ/2008/1187.html.

[k] Information provided by the authorities in Pakistan.

[l] United States District Court for the District of Oregon, civil case No. 07-1155-KI, *Al-Haramain Islamic Foundation, Inc. and Multicultural Association of Southern Oregon vs. United States Department of the Treasury, Henry M. Paulson, Office of Foreign Assets Control, Adam J. Szubin, United States Department of Justice, and Alberto R. Gonzáles.*

[m] United States District Court for the District of Columbia, case 1:09-cv-00108, *Yassin Abdullah Kadi v Henry M. Paulson, Adam J. Szubin, the United States Department of the Treasury, Office of Foreign Assets Control.*

assets are a violation of the Administrative Procedure Act and of his rights under the First Amendment (to freedom of speech and freedom of association), Fourth Amendment (to be secure against unreasonable search and seizure) and Fifth Amendment (to due process and to just compensation for the taking of property) under the United States Constitution. Briefing continues.

Annex II

Attacks by Al-Qaida and associated groups

1. Al-Qaida and its listed affiliates mounted 44 attacks,[a] as recorded by the Team between 28 February 2009 and 30 July 2009, killing 421 people,[b] an average of around 85 per month or close to three per day. These attacks affected the nationals or territory of at least 25 countries.[c] Algeria, Iraq and the Philippines suffered the most.

2. Al-Qaida in Iraq (QE.J.115.04) and other listed groups there were the most active and claimed responsibility, or were judged responsible, for over half the recorded attacks during this period. The Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01) was the second most lethal group and the Abu Sayyaf Group (QE.A.1.01) was third. These figures do not take into account the likely involvement of listed groups or individuals in attacks for which non-listed groups claimed responsibility, for example Tehrik-e-Taliban in Pakistan[d] or Al-Shabaab in Somalia.[e]

3. The type of attack has varied: 45 per cent of the attacks involved small conventional weapons; 32 per cent were suicide attacks; 9 per cent were targeted assassinations; 7 per cent involved non-suicide improvised explosive devices; 5 per cent were kidnappings; and 2 per cent involved conventional explosives.

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[a] These figures exclude attacks by the Taliban in Afghanistan and by Tehrik-e-Taliban in Pakistan.

[b] The Monitoring Team has based its figures on sources it assesses as credible, as well as statements by the groups themselves. Al-Qaida-affiliated groups that are not listed, such as Al-Shabaab in Somalia, are not included in these statistics. These figures may therefore be a conservative estimate of the number of attacks and victims during the period surveyed.

[c] Algeria, Australia, Canada, China, Germany, India, Indonesia, Iraq, Italy, Japan, Kyrgyzstan, Mali, New Zealand, the Netherlands, Niger, Norway, Pakistan, the Philippines, the Republic of Korea, Sri Lanka, Switzerland, the United Kingdom, the United States, Uzbekistan and Yemen.

[d] For example, Lashkar i Jhangvi (QE.L.96.03) was almost certainly involved in the attack on the Sri Lankan cricket team in Lahore on 3 March 2009.

[e] Hassan Dahir Aweys (QI.D.42.01) is head of Hizbul Islam and Hassan Abdullah Hersi al-Turki (QI.A.172.04) is head of the Ras Kamboni Brigade, both close allies of Al-Shabaab.